

BENJAMIN C. ROBERTS.

[[To accompany bill H. R. No. 48.]

FEBRUARY 29, 1840.

Mr. GIDDINGS, from the Committee of Claims, made the following

REPORT:

*The Committee of Claims, to whom was referred the petition of Benjamin C. Roberts, report :*

The petitioner sets forth in his petition, that, in the year 1815, his father, Benjamin P. Roberts, furnished rooms and fuel to certain British prisoners of war, and the guard who had said prisoners in charge; that said rooms and fuel were furnished at the instance and request of Marinus F. Durand, barrackmaster then in the service of the United States, for which he claims the sum of fifty-two dollars; that the petitioner is the sole heir to his father's estate, &c.

By the proofs hereto attached, it is satisfactorily proven that said Benjamin P. Roberts did, in good faith, furnish the rooms and fuel as charged in his account, which is also hereto attached. It is also shown that said services were rendered at the request of said Marinus F. Durand, who was the proper officer to provide quarters for said prisoners and their guard; and that the charges are reasonable. There is, however, a strong presumption against the claim, arising from the lapse of time between the rendition of the service and the presentation of it to Congress. To rebut this presumption, however, it appears that the affidavits of said Benjamin P. Roberts and of said Marinus F. Durand appear to have been made in 1816; and, after the death of said Benjamin P. Roberts and of Judge Lynde, they were found among the papers of the latter. From the correspondence with the proper officers, and from the books and vouchers on file, it is satisfactorily shown that said claim has not been paid. The committee, therefore, think the petitioner entitled to said sum of fifty-two dollars, and herewith report a bill for that amount.

Blair & Rives, printers.

BENJAMIN C. ROBERTS.

[To accompany bill H. R. No. 45.]

FEBRUARY 29, 1840.

Mr. Greenback from the Committee of Claims made the following

REPORT:

Benjamin C. Roberts, claimant, who was referred the petition of Benjamin C. Roberts, report:

The petitioner sets forth in his petition that in the year 1816, his father, Benjamin C. Roberts, furnished rooms and fuel to certain British prisoners of war, and the guard who had said prisoners in charge; that said rooms and fuel were furnished at the instance and request of Martin F. Durand, afterwards then in the service of the United States, for which he claims the sum of fifty-two dollars; that the petitioner is the sole heir to his father's

estate. The records hereto attached, it is satisfactorily proven that said Benjamin C. Roberts did, in good faith, furnish the rooms and fuel as charged in the petition, which is also hereto attached. It is also shown that said records were retained at the request of said Martin F. Durand, who was the guardian of the said prisoners for said prisoners and their guard; and that the records are reasonable. There is however, a strong presumption of fraud arising from the loss of these records, and the rendition of the same to the petitioner of it to Greenback. To rebut this presumption, it appears that the affidavits of said Benjamin C. Roberts and of Martin F. Durand, appear to have been made in 1816; and also that said Benjamin C. Roberts and of Judge Lynde, they were found in the possession of the latter. From the correspondence with the proper authorities, and from the books and vouchers on file, it is satisfactorily proven that said records have not been paid. The committee therefore think the sum of fifty-two dollars, and herewith report a bill

that said sum.